

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

FILED
GREAT FALLS

2012 AUG 1 AM 9 04

PATRICK E. DUFFY, CLERK
BY _____
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STEVE KELLY AND CLARICE
DREYER,

Plaintiffs,

vs.

LINDA McCULLOCH, in her official
capacity as Secretary of State of the
State of Montana,

Defendant.

No. CV-08-25-BU-SEH

ORDER

Plaintiffs in this case sought to have Montana's ballot access program for independent candidates seeking statewide office set aside as unconstitutional. On May 25, 2012, the Court held that one component of the program, establishment of a March filing deadline, to be unconstitutional and enjoined Defendant "from enforcing Montana's filing deadline for independent candidates."¹ Plaintiff has now moved for an order "setting the deadline for filing nomination petitions for independent candidates at August 15, 2012."² The motion is opposed.

The relief now requested is not and never has been a part of this case. It

¹ Document 130 at 21-22.

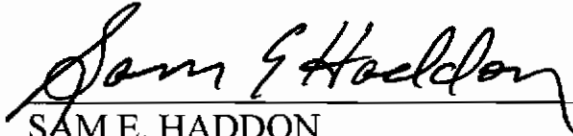
² Document 132 at 1.

was not requested by Plaintiffs in the pleadings and may not at this post-judgment stage of proceedings be injected. Moreover, responsibility for establishment of a new constitutionally sound filing deadline lies with the Montana legislature, not with this Court.

ORDERED:

Plaintiffs' Motion for Additional Relief³ is DENIED.

DATED this 1st day of August, 2012.



SAM E. HADDON
United States District Judge

³ Document 132.